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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/702,088	MADILL ET AL.	
	Examiner	Art Unit	
	KRISTINE K. RAPILLO	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-65* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-65* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 November 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/7/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant has amended Claims 1 – 65. Claims 66 – 157 have been cancelled. Claims 1 – 65 remain pending and are presented for examination.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 8 – reference character 811; Figure 16 – reference characters 1601, 1603, 1627, 1629, and 1637. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Figure 16 – reference character 1633.

Specification

1. The disclosure is objected to because of the following informalities: Reference character 807 is not defined in the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 2, 6, 8 – 12, 16 – 19, 22, 25 – 27, 39 – 41, 48 – 49, and 51 - 52 are rejected under 35 U.S.C. 102(e) as being anticipated by Torres et al. (U.S. Publication No. 2005/0043961 A1).

In regard to claim 1, Torres et al. teaches a method, comprising:

- Providing at least one request data element for at least one request to a computer system (paragraph [0021]);
- Assessing at least one fraud potential indicator for the at least one request based on at least two of (paragraph [0021]):

  - a) at least one comparison of the at least one request data element to a datum in a database (paragraph [0020] and Figure 1);
  - b) at least one comparison of the at least one request data element to at least one fraud model (paragraph [0020]); and
  - c) at least one business rule applied to the at least one request data element (paragraph [0021]);
- Wherein the at least one fraud potential indicator comprises an estimate of a probability of fraud in the at least one request (paragraph [0042]).

In regard to claim 2, Torres et al. teaches the method of claim 1, wherein at least one request comprises at least one of: a check; an insurance claim; and a loan (paragraph [0021]).

In regard to claim 6, Torres et al. teaches a method wherein at least one request data element comprises at least one of: a claimant's name; a witness's name; an insured's name; a medical provider's name; an involved business's name; an involved business's address; a date of the at least one request; a date of loss; identification of an involved vehicle; an inception date of a policy; an expiration date of a policy; an address of a party related to the at least one request; a detail of the loss or an accident leading to the loss; a detail of an accident; a type of accident; a number of parties involved; a type or degree of property damage; a type or degree of injuries; a trajectory of vehicles in a vehicle accident; and a location of an accident (Figure 24).

In regard to claim 8, Torres et al. teaches the method of claim 1, wherein the at least one request data element comprises at least one of: information about a loan applicant; a loan applicant's credit history; another debt of the loan applicant; an income level of the loan applicant; a criminal history of the loan applicant; a social security number; an address; other obligations; information on an item to be purchased with loan proceeds; and information about another party involved in the loan (Figure 2).

In regard to claim 9, Torres et al. teaches the method of claim 1, wherein the at least one comparison of at least one request data element to at least one fraud model comprises determining if at least one request data element approximately matches at least one fraud model (paragraph [0021]).

In regard to claim 10, Torres et al. teaches the method of claim 1, wherein the at least one comparison of at least one request data element to at least one fraud model comprises assigning a fraud potential indicator based on the nearness of an approximate match of a fraud model to at least one request data element (paragraph [0021]).

In regard to claim 11, Torres et al. teaches the method of claim 1, wherein assessing at least one fraud potential indicator comprises determining if at least one request data element approximately matches at least one fraud model, and assessing at least one

fraud potential indicator based on which request data element is approximately matched (paragraph [0021]).

In regard to claim 12, Torres et al. teaches the method of claim 1, wherein assessing at least one fraud potential indicator comprises determining if at least one request data element approximately matches at least a portion of a data element in a database (paragraph [0021]).

In regard to claim 16, Torres et al. teaches a method, as per claim 1, wherein at least one fraud model is based on at least one historical fraud pattern.

In regard to claim 17, Torres et al. teaches the method of claim 1, wherein at least one fraud potential indicator comprises at least one of: a numerical indicator; a ranking; and a pass/fail indicator (paragraph [0043]). Torres et al. teaches a scoring and classification model using various databases.

In regard to 18, Torres et al. teaches the method of claim 1, wherein assessing the at least one fraud potential indicator includes determining an absence of fraud in a request (paragraph [0041]).

In regard to 19, Torres et al. teaches the method of claim 1, further comprising assessing the probability of fraud in at least two requests, wherein the at least two requests are ranked in order of potential for fraud in each request (paragraph [0043]).

In regard to 22, Torres et al. teaches the method of claim 1, wherein at least one fraud potential indicator is assessed for the at least one request using a predetermined formula (paragraph [0021]).

In regard to 25, Torres et al. teaches the method of claim 1, further comprising: reassessing the at least one request data element for the at least one request (paragraph [0021]); and updating the at least one fraud potential indicator for the at least one request based on the reassessment (paragraph [0021]) .

In regard to 26, Torres et al. teaches the method of claim 1, wherein the database comprises at least one of: an insurance industry database; a commercial mailbox database; a company historical request database; a special investigation unit database; a sanctioned medical provider's database; and a custom watch list database (paragraph [0043]). The Examiner has interpreted government threat and known threat databases to be custom watch databases.

In regard to 27, Torres et al. teaches the method of claim 1, wherein the at least one fraud model comprises a suspicious relationship between parties involved in an accident (paragraph [0049] and Figure 9).

In regard to 39, Torres et al. teaches the method of claim 1, wherein assessing at least one fraud potential indicator for at least one insurance claim is based on an identity verification engine to verify the identification of at least one data request element (paragraph [0020]).

In regard to 40, Torres et al. teaches the method of claim 39, wherein at least one data request element verified includes an insured, a claimant, a doctor, a lawyer, or an involved business (paragraph [0043] and Figure 9).

In regard to 41, Torres et al. teaches the method of claim 39, wherein at least one of a public record and a bill is used to verify the identification of at least one request data element (paragraph [0020]).

In regard to 48, Torres et al. teaches a carrier medium comprising program instructions, wherein the program instructions are computer-executable to implement a method comprising:

- Providing at least one request data element for at least one request to a computer system (paragraphs [0021] and [0038]);

- Assessing at least one fraud potential indicator for the at least one request based on at least two of (paragraphs [0021] and [0038]):
    - a) at least one comparison of the at least one request data element to data in a database (paragraphs [0020], [0038], and Figure 1);
    - b) at least one comparison of the at least one request data element to at least one fraud model (paragraphs [0020] and [0038]); and
    - c) at least one business rule applied to the at least one request data element (paragraphs [0021] and [0038]);

Wherein the at least one fraud potential indicator comprises an estimate of a probability of fraud in the at least one request (paragraphs [0021] and [0038]).

In regard to 49, Torres et al. teaches the carrier medium of claim 48, wherein the at least one request comprises at least one of: a check; an insurance claim; and a loan (paragraph [0042]).

In regard to 51, Torres et al. teaches the carrier medium of claim 48, wherein at least one comparison of the at least one request data element to the at least one fraud model comprises determining if the at least one request data element approximately matches the at least one fraud model (paragraph [0021]).

In regard to 52, Torres et al. teaches the carrier medium of claim 48, wherein assessing at least one second fraud potential indicator comprises determining if the at

least one request data element approximately matches at least a portion of a data element in a database (paragraph [0021]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 3 – 5, 7, 13 – 15, 20 – 21, 23 – 24, 28 – 31, 42 – 47, 50, and 53 - 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torres et al. and Pendleton, Jr. (U.S. Patent No. 6,253,186).

In regard to claim 3, Torres et al. teaches the method of claim 1, further comprising assigning a total fraud potential indicator from at least two fraud potential indicators

(paragraph [0021]). Torres et al. disclosed the claimed invention with the exception of "two fraud potential indicators". It would have been obvious to one having ordinary skill in the art at the time the invention was made to use two fraud potential indicators, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.,* 193 USPQ 8.

In regard to claim 4, Torres et al. teaches the method of claim 2.

Torres et al. fails to teach a method wherein the total fraud potential indicator is assigned by adding together the at least two fraud potential indicators.

Pendleton, Jr. teaches a method wherein the total fraud potential indicator is assigned by adding together the at least two fraud potential indicators (column 7, lines 8 – 13).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method wherein the total fraud potential indicator is assigned by adding together the at least two fraud potential indicators as taught by Pendleton, Jr. with the motivation of providing a method, in conjunction with the method taught by Torres et al., in which a fraud indicator is used to assess the potential of fraud in a business environment via the use of a computerized system capable of identifying fraud indicators as compared to indicators in a baseline database (Pendleton, Jr.: column 2, lines 18 – 25).

In regard to claim 5, Torres et al. teaches the method of claim 2.

Torres et al. fails to teach a method wherein the total fraud potential indicator is assigned by averaging the at least two fraud potential indicators.

Pendleton, Jr. teaches a method wherein the total fraud potential indicator is assigned by averaging the at least two fraud potential indicators (column 7, lines 25 – 28).

The motivation to combine the teachings of Torres et al. and Pendleton, Jr. is discussed in the rejection of claim 4, and incorporated herein.

In regard to claim 7, Torres et al. teaches the method of claim 1.

Torres et al. fails to teach a method wherein the at least one request data element comprises at least one of: information on a drawer; a payee; a date; an account number; a routing number; and involved banks.

Pendleton, Jr. teaches a method wherein the at least one request data element comprises at least one of: information on a drawer; a payee; a date; an account number; a routing number; and involved banks (column 6, lines 16 – 19).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method wherein the at least one request data element comprises at least one of: information on a drawer; a payee; a date; an account number; a routing number; and involved banks as taught by Pendleton, Jr. with the motivation of providing a means for determining an indicator for the potential of committing a fraudulent act (Pendleton, Jr.: column 1, lines 49 – 60).

In regard to claim 13, Torres et al. teaches the method of claim 1.

Torres et al. fails to teach a method further comprising referring the at least one request for review if at least one fraud potential indicator exceeds a threshold value.

Pendleton, Jr. teaches a method further comprising referring the at least one request for review if at least one fraud potential indicator exceeds a threshold value (column 7, lines 35 – 41).

The motivation to combine the teachings of Torres et al. and Pendleton, Jr. is discussed in the rejection of claim 4, and incorporated herein.

In regard to claim 14, Torres et al. teaches the method of claim 13.

Torres et al. fails to teach a method wherein the threshold value is adjusted to control the number of requests with at least one fraud potential indicator exceeding the threshold value.

Pendleton, Jr. teaches a method wherein the threshold value is adjusted to control the number of requests with at least one fraud potential indicator exceeding the threshold value (column 7, lines 41 – 44).

The motivation to combine the teachings of Torres et al. and Pendleton, Jr. is discussed in the rejection of claim 4, and incorporated herein.

In regard to claim 15, Torres et al. teaches a method of claim 1 further comprising assigning a total fraud potential indicator based on at least one fraud potential indicator (paragraph [0021]).

Torres et al. fails to teach a method referring at least one request for review if the total fraud potential indicator exceeds a threshold value.

Pendleton, Jr. teaches a method referring at least one request for review if the total fraud potential indicator exceeds a threshold value (column 7, lines 41 – 44 and lines 50 – 53).

The motivation to combine the teachings of Torres et al. and Pendleton, Jr. is discussed in the rejection of claim 4, and incorporated herein.

In regard to 20, Torres et al. teaches the method of claim 1.

Torres et al. fails to teach a method wherein the at least one comparison of at least one request data element to a datum in a database comprises comparing at least one request data element to a watch list database, wherein the watch list database comprises at least one specified data element specified by an entity.

Pendleton, Jr. teaches a method wherein the at least one comparison of at least one request data element to a datum in a database comprises comparing at least one request data element to a watch list database, wherein the watch list database comprises at least one specified data element specified by an entity (column 8, lines 10 – 13).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method wherein the at least one comparison of at least one request data element to a datum in a database comprises comparing at least one request data element to a watch list database, wherein the watch list database

comprises at least one specified data element specified by an entity as taught by Pendleton, Jr. with the motivation of ensuring any claims submitted are not fraudulent by analyzing the number of claims submitted within certain time periods (Pendleton, Jr.: column 1, lines 19 - 22) and comparing these claims to a database of fraud indicators as taught in the method by Torres et al.

In regard to 21, Torres et al. teaches the method of claim 20.

Torres et al. fails to teach a method wherein the entity is notified if at least one request data element matches at least one specified element in the watch list.

Pendleton, Jr. teaches a method wherein the entity is notified if at least one request data element matches at least one specified element in the watch list (column 8, lines 10 – 13).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method wherein the entity is notified if at least one request data element matches at least one specified element in the watch list as taught by Pendleton, Jr. with the motivation of providing information, as taught by the method of Torres et al., to the pertinent parties regarding the status of specific claims stored in a fraud indicator database (Pendleton, Jr.: column 2, lines 33 – 36).

In regard to 23, Torres et al. teaches the method of claim 22, wherein at least one fraud potential indicator is assessed using at least one comparison of at least one request data element to a datum in a database, wherein at least one fraud potential

indicator is set approximately equal to a multiplier value multiplied by a loss type value multiplied by a number of matches between the at least one request data element to the datum found in a database searched (paragraph [0021]). Torres et al. discloses an invention in which a fraud indicator is determined based on comparisons of requested data elements to various databases (i.e. insurance claims, loan applications). According to the specification for claim 22, the multiplier value is a predetermined value assigned to a specific data element (i.e. injury type) in a claim.

Although Torres et al. does not explicitly describe the formula claimed, it would be obvious to a person of ordinary skill in the art at the time the invention was made to include the formula, or a modification thereof. The invention disclosed by Torres et al. teaches a method where preset values are determined by business rules. A composite score may be defined by a user and applied to a dataset which can be equated to the multiplier value (paragraph [0021]), the loss value can be equated to the information illustrated in Figure 6 of Torres et al., and the similarity or matching function is shown in Figure 1 of Torres et al.

In regard to 24, Torres et al. teaches the method of claim 22.

Torres et al. fails to teach a method wherein the multiplier value equals a ranking multiplied by a point weight multiplied by an adjustment number.

Pendleton Jr. teaches a method wherein the multiplier value equals a ranking multiplied by a point weight multiplied by an adjustment number (column 7, lines 32 – 35).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method wherein the multiplier value equals a ranking multiplied by a point weight multiplied by an adjustment number as taught by Pendleton, Jr. with the motivation of generating a fraud indicator value (Pendleton, Jr.: Figure 7, and column 7, lines 23 – 25).

In regard to claims 28 - 31, Torres et al. teaches the method of claim 1, wherein at least one business rule is used to assess a probability of fraud (paragraph [0017] and Figure 24). Torres et al. does not explicitly state the business rules listed in claims 28 – 38, however, the business rules can be adapted or modified to compare or assess the rules claimed. The business rules are known in the art to be the operation, definition, or rule of a business, therefore assessing the probability of fraud by applying a business rule utilizes the same function in regard to the application of the rule (i.e. suspicious relationship between claimant and physician). Therefore, it would have been obvious to replace one rule with another to achieve the same result (assessment of the probability of fraud).

In regard to 42, Torres et al. teaches a computer system, which utilizes the method of claim 1, comprising:

- wherein at least one computer program is executable to:
    - Provide at least one request data element for at least one request to the computer system (paragraph [0021]);

- Assess at least one fraud potential indicator for the at least one request based on at least two of (paragraph [0021]):
- a) at least one comparison of the at least one request data element to data in a database(paragraph [0020] and Figure 1);
- b) at least one comparison of the at least one request data element to at least one fraud model (paragraph [0020]); and
- c) at least one business rule applied to the at least one request data element (paragraph [0021]);

Wherein the at least one fraud potential indicator comprises an estimate of a probability of fraud in a request (paragraph [0042]).

Torres et al. fails to teach a CPU, and a memory coupled to the CPU, wherein the memory is configured to store at least one computer program executable by the CPU.

Pendleton, Jr. teaches a CPU (Figure 24), and a memory coupled to the CPU, wherein the memory is configured to store at least one computer program executable by the CPU (Figure 24).

The motivation to combine the teachings of Torres et al. and Pendleton, Jr. is discussed in the rejection of claim 4, and incorporated herein.

In regard to 43, Torres et al. teaches the system of claim 42, wherein the at least one request comprises at least one of: a check; an insurance claim; and a loan (paragraph [0021]).

In regard to 44, Torres et al. teaches the system of claim 42, wherein the computer program is further executable to assess a total fraud potential indicator of the at least one request from at least two fraud potential indicators (paragraph [0021]).

In regard to 45, Torres et al. teaches the system of claim 42, wherein at least one comparison of the at least one request data element to the at least one fraud model comprises determining if the at least one request data element approximately matches the at least one fraud model (paragraph [0021]).

In regard to 46, Torres et al. teaches the system of claim 42, wherein assessing at least one second fraud potential indicator comprises determining if the at least one request data element approximately matches at least a portion of a data element in a database (paragraph [0021]).

In regard to 47, Torres et al. teaches the system of claim 42.

Torres et al. fails to teach a system wherein the computer program is further executable to refer the at least one request for review if at least one fraud potential indicator exceeds a threshold value.

Pendleton, Jr. teaches a system wherein the computer program is further executable to refer the at least one request for review if at least one fraud potential indicator exceeds a threshold value (column 7, lines 41 – 44 and lines 50 – 53).

The motivation to combine the teachings of Torres et al. and Pendleton, Jr. is discussed in the rejection of claim 4, and incorporated herein.

In regard to 50, Torres et al. teaches the carrier medium of claim 48, further comprising assessing a total fraud potential indicator of at least one request from at least two fraud potential indicators (paragraph [0021]). Torres et al. disclosed the claimed invention with the exception of "two fraud potential indicators". It would have been obvious to one having ordinary skill in the art at the time the invention was made to use two fraud potential indicators, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.,* 193 USPQ 8.

In regard to 53, Torres et al. teaches the carrier medium of claim 48.

Torres et al. fails to teach a carrier medium further comprising referring the at least one request for further review if at least one fraud potential indicator exceeds a threshold value.

Pendleton, Jr. teaches a carrier medium further comprising referring the at least one request for further review if at least one fraud potential indicator exceeds a threshold value (column 7, lines 41 – 44 and lines 50 – 53).

The motivation to combine the teachings of Torres et al. and Pendleton, Jr. is discussed in the rejection of claim 4, and incorporated herein.

In regard to 54, Torres et al. teaches a method, comprising assessing at least one fraud potential indicator for a plurality of insurance claims using at least one fraud potential detection technique (paragraph [0042]).

Torres et al. fails to teach a method defining a minimum referral fraud potential indicator such that a desired quantity of requests are referred.

Pendleton, Jr. teaches a method defining a minimum referral fraud potential indicator such that a desired quantity of requests are referred (column 2, lines 26 – 31).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method defining a minimum referral fraud potential indicator such that a desired quantity of requests are referred as taught by Pendleton, Jr. with the motivation of providing a computerized program with rule engines designed to calculate statistics only if a certain number of claims are made (Pendleton, Jr.: column 8, lines 49 – 65).

In regard to 55, Torres et al. teaches the method of claim 54.

Torres et al. fails to teach a method further comprising modifying a minimum referral fraud potential indicator for at least two fraud potential detection techniques using at least two fraud potential indicators from at least one fraud potential detection technique to obtain a selected quantity of referrals for further review.

Pendleton, Jr. teaches a method further comprising modifying a minimum referral fraud potential indicator for at least two fraud potential detection techniques using at

least two fraud potential indicators from at least one fraud potential detection technique to obtain a selected quantity of referrals for further review (column 2, lines 37 – 48).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method further comprising modifying a minimum referral fraud potential indicator for at least two fraud potential detection techniques using at least two fraud potential indicators from at least one fraud potential detection technique to obtain a selected quantity of referrals for further review as taught by Pendleton, Jr., and applied to the method of Torres et al., with the motivation of notifying or reporting claims which have been analyzed using fraud potential indicators to indicate the potential to commit an act of fraud and further claim review is required (column 8, lines 19 – 31).

In regard to 56, Torres et al. teaches the method of claim 54.

Torres et al. fails to teach a method wherein the minimum referral fraud potential indicator comprises a fraud potential indicator that results in a referral of at least one request for further review.

Pendleton, Jr. teaches a method wherein the minimum referral fraud potential indicator comprises a fraud potential indicator that results in a referral of at least one request for further review (column 8, lines 19 – 31).

The motivation to combine the teachings of Torres et al. and Pendleton, Jr. is discussed in the rejection of claim 55, and incorporated herein.

In regard to 57, Torres et al. teaches the method of claim 54, wherein at least one fraud potential detection technique comprises predictive modeling (paragraph [0044]).

In regard to 58, Torres et al. teaches the method of claim 54, wherein at least one fraud potential detection technique comprises predictive modeling, and wherein assessing a probability of fraud using predictive modeling comprises assessing at least one fraud potential indicator based on at least one comparison of at least one request data element to at least one fraud model (paragraph [0021]).

In regard to 59, Torres et al. teaches the method of claim 54, wherein at least one fraud potential detection technique comprises identity searching (paragraph [0022]).

In regard to 60, Torres et al. teaches the method of claim 54, wherein at least one fraud potential detection technique comprises identity searching of insurance data, and wherein assessing the probability of fraud using identity search of insurance data comprises assessing at least one fraud potential indicator based on at least one comparison of at least one request data element to additional insurance data (paragraph [0040]).

In regard to 61, Torres et al. teaches the method of claim 54, wherein at least one fraud potential detection technique comprises assessing request data for fraud from at least one business rule (paragraph [0021]).

In regard to 62, Torres et al. teaches a system configured to estimate liability, comprising wherein at least one computer program is executable to assess fraud potential indicators for a plurality of requests using at least one fraud potential detection technique (paragraph [0042]).

Torres et al. fails to teach a CPU, a memory coupled to the CPU, wherein the memory is configured to store at least one computer program executable by the CPU, and a system to establish a minimum referral fraud potential indicator such that a desired quantity of requests are referred.

Pendleton, Jr. teaches a CPU (Figure 24), a memory coupled to the CPU, wherein the memory is configured to store at least one computer program executable by the CPU (Figure 24), and a system to establish a minimum referral fraud potential indicator such that a desired quantity of requests are referred (column 8, lines 7 – 31).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a CPU, a memory coupled to the CPU, wherein the memory is configured to store at least one computer program executable by the CPU, and a system to establish a minimum referral fraud potential indicator such that a desired quantity of requests are referred as taught by Pendleton, Jr. with the motivation providing a method, in conjunction with the method taught by Torres et al., in which a fraud indicator is used to assess the potential of fraud in a business environment via the use of a computerized system capable of identifying fraud indicators as compared to indicators in a baseline database notifying or reporting claims which have been

analyzed using fraud potential indicators to indicate the potential to commit an act of fraud (Pendleton, Jr.: column 2, lines 18 – 25 and column 8, lines 19 – 31).

In regard to 63, Torres et al. teaches the system of claim 62.

Torres et al. fails to teach a system wherein the computer program is further executable to modify a minimum referral fraud potential indicator for at least two fraud potential detection techniques using at least two fraud potential indicators from at least one fraud potential detection technique to obtain a selected quantity of referral of requests for further review.

Pendleton, Jr. teaches a system wherein the computer program is further executable to modify a minimum referral fraud potential indicator for at least two fraud potential detection techniques using at least two fraud potential indicators from at least one fraud potential detection technique to obtain a selected quantity of referral of requests for further review (column 8, lines 19 – 31).

The motivation to combine the teachings of Torres et al. and Pendleton, Jr. is discussed in the rejection of claim 55, and incorporated herein.

In regard to 64, Torres et al. teaches assessing a fraud potential indicator for a plurality of requests using at least one fraud potential detection technique (paragraph [0042]).

Torres et al. fails to teach a carrier medium comprising program instructions wherein the program instructions are computer-executable to implement a method comprising

establishing a minimum referral fraud potential indicator such that a desired quantity of requests are referred.

Pendleton, Jr. teaches a carrier medium comprising program instructions wherein the program instructions are computer-executable (column 13, lines 23 – 25) to implement a method comprising establishing a minimum referral fraud potential indicator such that a desired quantity of requests are referred (column 8, lines 19 - 31).

The motivation to combine the teachings of Torres et al. and Pendleton, Jr. is discussed in the rejection of claim 54, and incorporated herein.

In regard to 65, Torres et al. teaches the carrier medium of claim 64.

Torres et al. fails to teach a carrier medium further comprising modifying a minimum referral fraud potential indicator for at least two fraud potential detection techniques using at least two fraud potential indicators from at least one fraud potential detection technique to obtain a selected quantity of referral of requests for further review.

Pendleton, Jr. teaches a carrier medium further comprising modifying a minimum referral fraud potential indicator for at least two fraud potential detection techniques using at least two fraud potential indicators from at least one fraud potential detection technique to obtain a selected quantity of referral of requests for further review (column 8, lines 7 – 31).

The motivation to combine the teachings of Torres et al. and Pendleton, Jr. is discussed in the rejection of claim 55, and incorporated herein.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Foreman (U.S. Patent No. 6,826,536) teaches a health care management system which profiles medical claims, including the billing history of providers to anesthesia, using a software program. The software identifies providers who have submitted fraudulent claims.

White, et al. (U.S. Publication No. 2002/0091550) teaches a system and method for rating, underwriting, and policy issuance. The computerized system provides identification verification.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTINE K. RAPILLO whose telephone number is (571)270-3325. The examiner can normally be reached on Monday to Thursday 6:30 am to 4 pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-3776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KKR

2/4/08

/Joseph Thomas/
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